

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 11 2004

at 2 o'clock and 12 min. P. M.
WALTER A.Y.H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 04-380 BMK
)	
Plaintiff,)	
)	
vs.)	CRIMINAL COMPLAINT;
)	AGENT'S AFFIDAVIT
)	
ROBERT C. PACARIEM,)	
)	
Defendant.)	
)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn,
state the following is true and correct to the best of my
knowledge and belief.

\\

\\

COUNT 1

On or about May 5, 2004, in the District of Hawaii, defendant ROBERT C. PACARIEM, a person who had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm, to wit, one (1) Stevens model 940A, 20 gauge shotgun with no apparent serial number with a barrel length of approximately 12 ¼ inches, made by Savage Arms Corporation.

All in violation of Title 18 United States Code, Section 922(g)(1);

COUNT 2

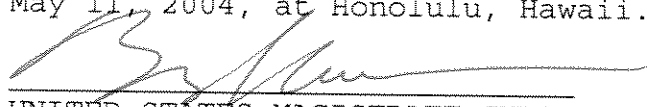
On or about May 5, 2004, in the District of Hawaii, defendant ROBERT C. PACARIEM, did possess one (1) one Stevens model 940A, 20 gauge shotgun with no apparent serial number with a barrel length of approximately 12 ¼ inches, made by Savage Arms Corporation that was not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5861 (d);

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based upon the facts set forth in the attached "Agent's Affidavit in Support of Criminal Complaint," which is incorporated herein by reference.


TY K. TORCO
COMPLAINANT

Subscribed to and sworn before me on
May 11, 2004, at Honolulu, Hawaii.


UNITED STATES MAGISTRATE JUDGE
District of Hawaii

AGENT'S AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

TY K. TORCO, after being first duly sworn on oath, deposes and says:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") assigned to the District of Hawaii.

2. On May 5, 2004, State of Hawaii Department of Public Safety Deputy Sheriffs executed a Grand Jury Bench Warrant (warrant no.04-10828) on Robert Cabia PACARIEM (herein after referred to as PACARIEM), at 94-125 Pahu Street, Unit No. 51, Waipahu, Hawaii 96797, within the District of Hawaii.

3. Deputy Sheriffs discovered Robert Cabia PACARIEM in a shack like structure converted into a living quarters on the property away from the main dwelling. While PACARIEM was being arrested, Deputy Sheriffs noticed in plain view a lighter and glass pipe on the bed, a clear Ziploc type plastic packet that contained a white/tan colored substance indicative of crystal methamphetamine on the floor next to the bed, other blue Ziploc type plastic packets on the floor and the stock and trigger guard of a firearm under the bed.

4. Also on this date, a State of Hawaii Search Warrant was executed at the 94-125 Pahu Street, Waipahu, Hawaii 96797 address. Recovered from PACARIEM's dwelling was a Stevens model 940A, 20 gauge shotgun with no apparent serial number, with a barrel length of approximately 12 ¼ inches, made by Savage Arms Corporation, and other evidentiary items, including four packets containing a crystalline substance which was later analyzed and determined to be methamphetamine.

5. On May 6, 2004, a registry check with the National Firearms Registration and Transfer Record, revealed that PACARIEM has no firearms as defined in Title 26, United States Code, Chapter 53 Section 5845(a), registered to him.

6. A further check with the Hawaii Criminal Justice Data Center revealed that PACARIEM has four prior felony convictions: May 23, 1996 (Escape 2 - CR96-0143),

October 19, 1992 (Burglary 2 - CR92-0782), (UCPV - CR91-2710) and (UCPV - CR91-2568), thus making PACARIEM a prohibited person.

7. The Stevens model 940A, 20 gauge shotgun with no apparent serial number, with a barrel length of approximately 12 ¼ inches, made by Savage Arms Corporation was manufactured in either the State of Massachusetts or in Puerto Rico, thus it was shipped or transported in interstate or foreign commerce to the State of Hawaii.


FURTHER AFFIANT SAYETH NAUGHT



TY K. TORCO

This Criminal Complaint and Agent's Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 2:00 PM on May 11, 2004.

Subscribed to and sworn before me on
May 11, 2004, at Honolulu, Hawaii.



BARRY M. KURREN
UNITED STATES MAGISTRATE JUDGE
District of Hawaii